

PLANNING COMMISSION AGENDA
REVISED
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, January 19, 2012
STUDY SESSION – 4:30 p.m.

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

KORY KRAMER

JAY MYERS

LARRY TUCKER

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

PATRICK ALFORD, Planning Manager

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

NEWPORT BEACH PLANNING COMMISSION AGENDA
REVISED
Council Chambers – 3300 Newport Boulevard
Thursday, January 19, 2012
STUDY SESSION MEETING
4:30 p.m.

- A. ROLL CALL**
- B. CURRENT BUSINESS**

ITEM NO. 1 Newport Banning Ranch: Discussion of Subdivision Design and Circulation

SUMMARY: This is the first of a series of study sessions on the proposed Newport Banning Ranch project. The purpose of the study sessions is to provide the Planning Commission and the public the opportunity to review and discuss details of the proposed project prior to public hearings. This study session will focus on the subdivision design and circulation system of the proposed project.

- C. PUBLIC COMMENTS**

Public comments are invited on items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- D. ADJOURNMENT**

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, January 19, 2012
Regular Meeting – 6:30 p.m.

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

KORY KRAMER

JAY MYERS

LARRY TUCKER

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KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

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If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, January 19, 2012
REGULAR MEETING
6:30 p.m.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME OF NEW PLANNING COMMISSIONER LARRY TUCKER**
- E. RECOGNITION OF FORMER PLANNING COMMISSIONER ROBERT C. HAWKINS' SERVICE**
- F. PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

- G. REQUEST FOR CONTINUANCES**
- H. CONSENT ITEMS**

ITEM NO. 1 Minutes of December 8, 2011

ACTION: Approve and file.

I. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 SCAP III, LLC Property Amendment (PA2011-196)
514 E. Ocean Front (aka 101-107 Palm Street)

SUMMARY: The property owner is seeking to continue the existing nonconforming commercial uses of the subject property by requesting the following amendments:

- 1) General Plan Land Use designation from Two-Unit Residential (RT) to Mixed-Use Vertical (MU-V);
- 2) Coastal Land Use Plan designation from Two-Unit Residential (RT-E) to Mixed-Use Vertical (MU-V); and
- 3) Zoning designation from Two-Unit Residential (R-2) to the Mixed-Use Vertical (MU-V).

No new land use or development is proposed at this time.

CEQA

COMPLIANCE: The proposed amendments are exempt since they do not entail any significant alteration to the subject property and will bring the General Plan Land Use, Coastal Land Use, and Zoning District designations into consistency with the present use. The sites are presently

developed and no new development is proposed at this time, which is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines – Class 1 (Existing Facilities).

- ACTION:**
- 1) Conduct a public hearing; and
 - 2) Adopt Resolution No. ____ recommending the City Council:
 - Approve General Plan Amendment No. GP2011-009; and
 - Approve Local Coastal Plan Amendment No. LC2011-005; and
 - Approve Code Amendment No. CA2011-012.

ITEM NO. 3 Flyin' Fish Oyster Bar & Grill (PA2011-199)
2304 W. Ocean Front

SUMMARY: A request for a conditional use permit to change the seating configuration of an existing eating and drinking establishment (restaurant) previously authorized under Use Permit No. UP3200. The applicant is also requesting to expand the hours of operation to allow for breakfast service beginning at 9:00 a.m. on weekends. The existing hours of operation are from 11:00 a.m. to 12:00 midnight, daily. No other changes to the establishment are proposed. If approved, the new conditional use permit will supersede the existing use permit and an Operator License will be required.

CEQA COMPLIANCE: The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves minor alterations to the interior floor plan of an existing restaurant, and therefore, qualifies for this exemption.

- ACTION:**
- 1) Conduct a public hearing; and
 - 2) Adopt Resolution No. ____ approving Conditional Use Permit No. UP2011-034.

ITEM NO. 4 Voyer Variance (PA2011-212)
20442 Santa Ana Avenue

SUMMARY: Variance application to allow an existing residential building which was constructed without the benefit of permits to encroach 20 feet into the required 25-foot rear setback area.

CEQA COMPLIANCE: The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction). The exemption includes the construction of a second dwelling in a residential zone, necessary utility connections, and accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

- ACTION:**
- 1) Conduct a public hearing; and
 - 2) Adopt Resolution No. ____ approving Variance No. VA2011-011.

J. NEW BUSINESS

K. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Community Development Director's report.

ITEM NO. 6 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 7 Request for excused absences.

ADJOURNMENT